

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7668

Petition of Jeffersonville Cable TV Corporation to renew)
its Certificate of Public Good for a cable television)
system located in the Town of Cambridge, Vermont, for)
a period of eleven years)

Order entered: 2/11/2011

INTRODUCTION AND PROCEDURAL HISTORY

On September 10, 2010, Jeffersonville Cable TV Corporation ("Jeffersonville") filed a petition with the Public Service Board ("Board") to renew the Certificate of Public Good ("CPG") that it holds to serve the Town of Cambridge, Vermont, for a period of eleven years. The CPG was due to expire on December 20, 2010, but on December 15 the petitioner asked that it be extended until January 15, 2011, to provide more time for resolution of issues and filing of a stipulation. On December 23 the Board extended the CPG until January 31, 2011.

A public hearing was held on October 25, 2010, at the Cambridge Elementary School, located at 186 School Street in Jeffersonville, Vermont. At that hearing only employees of Jeffersonville and the operators of the Public, Educational, and Governmental Access channel spoke.

The Vermont Department of Public Service ("Department") conducted a Community Needs Assessment, as required by Board Rule 8.230, and submitted prefiled testimony along with the results of its assessment on November 24, 2010. The Department witness's testimony fully supported the renewal of the CPG.

The parties submitted a Memorandum of Understanding on January 20, 2011, resolving all issues in this case, as well as a draft Proposal for Decision and Certificate of Public Good. The Memorandum of Understanding briefly states that there are no issues of material fact between the parties, that the Board ought to issue a new CPG to Jeffersonville without further proceeding, and that the testimony and exhibits filed by Jeffersonville and the Department should be admitted into the record.

Based upon substantial and uncontested evidence of record, I make the following report to the Board.

FINDINGS OF FACT

1. Jeffersonville Cable TV Corporation ("Jeffersonville") is a Vermont corporation with a registered office in Stowe, Vermont, that operates a cable television system and telecommunications system in Lamoille County. Petition of Jeffersonville at 1.

2. On December 20, 1999, in Docket 6166, Jeffersonville received a renewal of its CPG to continue to serve customers in the Town of Cambridge, Vermont. Petition of Jeffersonville at 1.

3. Jeffersonville is a financially sound and stable company. Rothammer pf. at 1 and Rohr pf. at 3.

4. Jeffersonville currently provides eighty standard cable channels, seventeen high definition channels, twenty-four movie channels, and thirty music channels. There are two Public Access channels included in the offering. Jeffersonville maintains a camera, related equipment and training for loan to any subscriber wishing to use them for the production of Public Access content. The system's infrastructure is based upon a 1Ghz Hybrid Fiber Coax ("HFC") infrastructure. Rothammer pf. at 2.

5. Jeffersonville has promised to extend service to as many of the Town's residents as possible. At a minimum it will meet the terms of its line-extension tariff. Rothammer at pf. 2.

6. The owners of Jeffersonville have successfully operated cable television systems in the State of Vermont for over thirty years. The General Manager/Engineer also has thirty years of experience and is responsible for building and managing the Jeffersonville system since its inception in 1986. Rothammer pf. at 2.

7. Jeffersonville sends an annual notice to all its subscribers that sets forth the rules governing line extensions, disconnections, customer deposits, and billing practices. Rothammer pf. at 3.

8. Jeffersonville regularly researches new technologies that may enable it to expand to much more rural pockets of homes, not otherwise accessible by traditional architecture. Rothammer pf. at 3.

9. Jeffersonville utilizes equipment with the highest reliability ratings from manufacturers such as Cisco and Scientific Atlanta. The original system was designed by a team of experts from Scientific Atlanta Engineering Group and was later upgraded to HFC architecture by Peregrine Communications. Rothammer pf. at 3.

10. Jeffersonville offers services comparable to those provided by neighboring systems, and equal to those provided to some much larger towns such as Stowe. Rothammer pf. at 3.

11. Jeffersonville has designated adequate channel capacity, currently two channels, and appropriate facilities for public, educational, and governmental access. Rothammer pf. at 4.

12. Jeffersonville provides its customers with high-quality, technically sound facilities and signal quality. Rothammer pf. at 4 and Chase pf. at 6.

13. Jeffersonville provides a reasonably broad range of public, educational, and governmental programming. Rothammer pf. at 4 and Chase pf. at 6.

14. Jeffersonville does not discriminate among customers of basic service. All basic customers receive the same service. Rothammer pf. at 4.

15. Jeffersonville serves in a competitive market; most customers have access to satellite TV services as an alternative. Rothammer pf. at 4.

16. Jeffersonville provides a reasonable quality of service for both basic and premium services. Rothammer pf. at 5.

17. Jeffersonville's system construction and installations conform to all applicable state and federal laws and regulations and the National Electric Safety Code. Rothammer pf. at 5.

18. Jeffersonville has competent staff sufficient to provide twenty-four-hour customer service and a timely and comprehensive response to any Department of Public Service complaints. Rothammer pf. at 5.

19. Jeffersonville's office is open Monday through Friday from 7 a.m. to 4 p.m. There is an on-call technician available twenty-four hours a day, seven days a week. Rothammer pf. at 5.

20. Jeffersonville has reasonable rules and policies for line extensions, disconnections, customer deposits, and billing practices. Those rules comply with applicable Public Service Board Rules. Rothammer pf. at 5.

CONCLUSION

Based on the parties' Memorandum of Understanding and my review of the record, I recommend that the Public Service Board renew the CPG held by Jeffersonville to serve Cambridge, Vermont, according to the terms in the attached certificate, which are consistent in form with those submitted by the parties.

The foregoing is hereby reported to the Public Service Board in accordance with the provisions of 30 V.S.A. § 8.

Service of this Proposal for Decision on all parties to this proceeding pursuant to 3 V.S.A. § 811 was waived conditioned on the Proposal for Decision and Certificate of Public Good being substantially identical and without material or substantial change from what was submitted jointly by the DPS and Jeffersonville. This Proposal and Certificate of Public Good are substantially identical to and without material or substantial change from that joint submission.

Dated at Montpelier, Vermont, this 11th day of February, 2011.

s/ John P. Bentley

John P. Bentley, Esq.
Hearing Officer

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Findings of Fact and Conclusions of the Hearing Officer are adopted.
2. A renewed Certificate of Public Good shall be issued to Jeffersonville Cable TV Corporation to operate a cable television system in Cambridge, Vermont.

Dated at Montpelier, Vermont, this 11th day of February, 2011.

<u>s/ James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/ David C. Coen</u>)	
)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: February 11, 2011

ATTEST: s/ Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.